

**REMARKS/ARGUMENTS**

Claim 7 has been allowed, claim 4 objected to and claims 1-3, 5 and 6 rejected in the outstanding Official Action. Claim 2 has been cancelled without prejudice and newly written claim 9 offered for consideration. Accordingly, claims 1, 3-7 and 9 are the only claims remaining in the application.

The Examiner's consideration of applicant's amended claims is appreciated. However, on page 2 of the Official Action, in the "Response to Arguments," the Examiner states "[p]lease note, early indication of allowance of claim 7 is hereby withdrawn." This statement appears to contradict the indication on the cover sheet that claim 7 has been allowed and also the statements that claim 7 is allowed existing on page 7 under the heading "Allowable Subject Matter." Clarification is requested, as applicant does understand that claim 7 has already been allowed in this application.

Claims 1, 2 and 5 stand rejected over Johnston (U.S. Patent 5,404,747) in view of Newbil, Jr. (U.S. Patent 2,647,399), Schupack (U.S. Patent 4,979,390), Bogle (U.S. Patent 5,319,956) and Bosselaar (U.S. Patent 3,738,156). The Examiner has made a number of admissions with respect to the Johnston reference beginning on page 3, lines 1-3 ("Johnston however does not expressly seal the sheet or cover circumferentially which Examiner interprets to be a specific sealing feature along the cover periphery based on a reading of the specification"), page 3, lines 14-16 ("Johnston lacks measuring the vacuum between the cover and the sealed region of the surface; comparing the measured vacuum with a predetermined acceptable datum vacuum value, and, where the

measured vacuum exceeds the datum vacuum”), page 4, lines 12 and 13 (“Johnston is unclear whether the detection device 95 is to be used on the outside of the structure or the inside upon gaining access as in the instant invention”) and page 5, lines 1 and 2 (“finally, Johnston does not expressly teach recording the exact location of the source of fluid leaks”).

In view of these admitted deficiencies in the Johnston reference, the Examiner relies upon a mosaic of four other references as allegedly teaching or suggesting the missing structures. However, nowhere in the Official Action did the Examiner provide any motivation for combining Johnston with any one of the four supplementary references, let alone structures from all five references. This Official Action is a perfect example of 20/20 hindsight reasoning, which of course is prohibited. As a result of the failure to provide any motivation for combining references, the Patent Office has failed to establish a *prima facie* case of unpatentability of applicant’s claims in view of the Johnston/Newbil/Schupack/Bogle/Bosselaar combinations.

Notwithstanding the above, it is also noted that applicant has included the additional process steps of claim 2 into amended claim 1 and notes that there is no teaching in any of the references of comparing the vacuum level of the area under test with the vacuum level of a joint-free and seam-free surface. Additionally, in one embodiment of the invention, the time-wise change in vacuum is measured and compared. Applicant has offered newly written independent claim 9 directed towards

this method of measuring the changes in vacuum over a predetermined period of time.

Entry and consideration of newly written claim 9 is respectfully requested.

Claim 3 is rejected under 35 USC §103 as unpatentable over Johnston as modified by Newbil, Schupack, Bogle, Bosselaar as previously noted and further in view of the NDT Handbook. Inasmuch as this rejection includes many of the references and subject matter from the previous rejection, the discussion of the Johnston, Newbil, Schupack, Bogle and Bosselaar references noted above is herein incorporated by reference.

The Examiner admits that the claim 3 feature of measuring vacuum over a predetermined period of time is not expressly taught in the references. The Examiner contends that this is taught in the NDT Handbook. Assuming the Examiner to be correct, there is no indication or motivation or reason for one of ordinary skill in the art to combine the NDT Handbook disclosure with that of Johnston and the other references. Again, the Examiner has failed to establish a *prima facie* case of obviousness and any further rejection thereunder is respectfully traversed.

Claim 6 is rejected as unpatentable under 35 USC §103 over Johnston/Newbil/Schupack/Bogle/Bosselaar as applied to claim 1 and further in view of Frenkel. The above comments with respect to the combination of references is herein incorporated by references. The Examiner admits that the combination of references with respect to claim 1 lacks repairing the leak source and repeating the method and repairing any further sources found. Assuming the Examiner to be correct in his analysis that Frenkel teaches the missing steps, there is no motivation or reason for combining Frenkel

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March 1, 2004

with the combination of five other references. How or why the Examiner believes such combination would be obvious to one of ordinary skill in the art is not seen, and therefore the Office has failed to establish a *prima facie* case of obviousness.

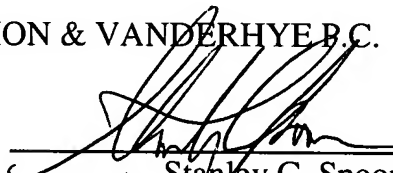
The Examiner's indication that claim 4 contains allowable subject matter is very much appreciated. Additionally, the Examiner's allowance of claim 7 is very much appreciated.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1, 3-7 and 9 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

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